



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON DC 20350-2000

5720

Ser DNS36RNP/12U104590
September 28, 2012

Mr. Michael Morisy
Muckrock News
Dept MR 1111
PO Box 55819
Boston, MA 02205-5819

Dear Mr. Morisy:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT CASE DON2012F020711

This is our final response to your February 20, 2012 Freedom of Information Act (FOIA) request, originally submitted to the Navy Office of Information-West, Los Angeles, CA, asking for reports, official talking points, or other documents generated regarding the motion picture *ACT OF VALOR*, particularly in regards to the granting of permission by the U.S. Navy to the filmmakers to use Naval footage. Your request was received by Chief of Naval Operations (CNO) on February 27, 2012 and placed in a complex queue to be processed.

In our search for documents, we contacted the Navy's Public Affairs Office at the Pentagon as well as the Navy Office of Information-West, Los Angeles, CA; we also contacted Naval Special Warfare Command, San Diego, CA. Responsive documents were produced and we coordinated with the Judge Advocate General Office (JAG) to review and determine what could be released under the FOIA. The 77 pages of releasable portions of the documents are attached and portions that were withheld are visibly marked in black with the reasons for withholding indicated in each section.

Data concerning private information of government and service members is withheld under Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(3) pursuant to 10 U.S.C. § 130b to protect the identity of personnel in overseas, sensitive or routinely deployable units.

Names and other personally identifying information is also withheld under 5 U.S.C. § 552(b)(6) in order to prevent unwarranted invasion of privacy.

Information concerning non-selected film production proposals, financial data, marketing and production methods is withheld under 5 U.S.C. § 552(b)(3) pursuant to 10 U.S.C. §

2305(g) and 5 U.S.C. § (b)(4) exemption to the FOIA, as confidential material submitted to the government by contractors.

We also withheld matters concerning legal advice and internal agency deliberative processes including, but not limited to, draft documents, internal policy discussions, future film projects, production procedures and preliminary recommendations which are protected under FOIA 5 U.S.C. § (b)(5).

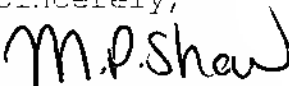
I am the official responsible for the partial denial of your request. Under 32 CFR §701.12(a), you may appeal the denial of your request by writing to:

Office of the Judge Advocate General
1322 Patterson Ave, S.W., Ste 3000
Washington Navy Yard, DC 20374-5066

Your appeal must be received within sixty calendar days from the date of this letter. A copy of your initial request and this denial letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this initial decision to be in error.

Should you require further assistance, please contact our DON FOIA Requester Service Center at (202)685-0412.

Sincerely,

For 
ROBIN PATTERSON

Head, DON EA/FOIA Policy Branch